

## **MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 07/09/2015.**

The meeting was held in the Grantsville City Council Chambers at 429 E. Main Street in Grantsville, Utah. Those present were Commission Chairman Colleen Brunson and Commission Members Gary Pinkham, Robbie Palmer, Drew Allen, and Erik Stromberg, Council Liaison Member Neil Critchlow, Attorney Joel K. Linares, Mayor Brent K. Marshall, and Zoning Administrator Jennifer Huffman. Also present was Tyler Kukahiko, Derrick Ellis, Todd Castagno, Phillip Hiller, Richard Green, Adam Nash, Dean Johnson, and Kent Liddiard from the Grantsville City Fire Department.

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

#### **7:00 P.M. PUBLIC HEARINGS:**

- a. Proposed conditional use permit application for Gary's Tractor and Excavation, LLC (Philip and Lisa Hiller) at 36 North 360 East for a home occupation consisting of a primarily residential construction company.** The public hearing was opened by Chairman Brunson at 7:01 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:01 p.m.
- b. Proposed concept plan for Gene Anderson, Rhett Marshall, and Todd Castagno on the Anderson Farms subdivision at 450 South Worthington Street for the creation of 109 lots in the R-1-21 zone.** The public hearing was opened by Chairman Brunson at 7:01 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:01 p.m.

### **THE MEETING WAS OFFICIALLY CALLED TO ORDER BY CHAIRMAN, COLLEEN BRUNSON, AT 7:02 P.M.**

- 1. Hearing on an "Order to Show Cause" on C.U.P. #99-007-437 issued at 287 East Clark Street allowing the keeping of one (1) large animal located in the RM-7 zone.** Richard Green represented this item for himself and he stated to the Commission:

He was hoping to keep a couple of horses there. He gathered some information from the prior owners to try and establish grandfather rights. He went back as far as he could which was to 2003. He got a letter from the prior owner stating he had three horses. He also got a statement from the next door neighbor stating there have been three to five horses located at the property for the last 12 years. He was unable to gather any more information.

Drew Allen asked how long he has lived there and owned the property.

Richard Green stated he bought the home in January. When he bought the home it had a barn and three corrals. He bought the home for his kids to be able to get on a horse and go for a ride down one of the biggest pastures in the State that is right at his back door.

Drew Allen asked what the acreage is on the lot.

Richard Green stated it is little less than an acre. They keep the corrals really clean. They have worked with the neighbor to put up fence so the horses do not dig up the dirt.

Jennifer Huffman stated Richard Green could not provide the square footage for three horses or the hundred foot buffer needed to apply for a new conditional use permit.

Drew Allen asked what the available pasture area was.

Jennifer Huffman stated he would need 14,000 square feet for three horses plus the hundred foot buffer.

Erik Stromberg asked if a conditional use permit was granted on the property or to the person.

Jennifer Huffman stated the animal conditional use permits stay with the property. In 1999, there was a C.U.P. obtained by John Saylor for one horse.

Robbie Palmer asked if it has been since 1999 that the hundred foot buffer changed.

Jennifer Huffman stated there has been a house built since 1999.

Drew Allen asked if that is the case does that then negate it because the buffer was there first.

Jennifer Huffman stated it negates the 1999 C.U.P. for one horse but it does not if he applies for a new C.U.P.

Attorney Linares stated that it's a first in time first in right type of statute. So to expand it is a whole new issue.

Robbie Palmer confirmed that as it sits right now the one horse is still permitted under the 1999 conditional use permit. The number of horses is what we are working on here because if he can't meet the requirements then the number of horses cannot exceed the one. If we get rid of the permit he currently has he is not going to be able to get a new one for horse property. It is hard when you go through the history of residence and 12 people before you all had horses. He also understands there are rules and reasons why we have them.

Attorney Linares stated as we were working through the issue it grew. It went from three horses to four horses.

Drew Allen asked if we don't take into account the hundred foot buffer knowing there was already a horse there when the newer home was built, where does that put us as far as space for the horses.

Erik Stromberg asked as far as the hundred foot buffer and the fact that the house was built after the C.U.P. does that completely negate the 100 feet.

Attorney Linares stated it negates it as far as what is existing. If he would have had a three horse C.U.P. at that time he would have a three horse C.U. P. now. It is whatever was in place when the house was built. He would have been first in time. He had a one horse C.U.P. at that time and that is what he has an invested right in.

Drew Allen asked if the square footage was met and not taking into account the hundred foot buffer from the home that came in after the 1999 C.U.P., is there a legal way where instead of starting with a new C.U.P., where he loses the hundred foot buffer, to modify the existing conditional use permit.

Colleen Brunson stated if there was enough square footage for more than one animal in 1999 C.U.P. why not ask for more in the C.U.P. If you have the square footage why ask for less than what you are allowed.

Attorney Linares stated you cannot violate the code in order to get a C.U.P. He is willing to look at it and see if there is a legal way to do it. We are balancing his property right to have his horses versus his neighbor's property right to not have the nuisance. It is our understanding that he is being asked to provide a drawing of the dimensions of his property and surrounding properties.

Drew Allen moved to table the Order to Show Cause on C.U.P. #99-007-437 issued at 287 East Clark Street allowing the keeping of one (1) large animal located in the RM-7 zone. Robbie Palmer seconded the motion. Chairman Colleen Brunson called for a roll call vote. The vote was as follows: Robbie Palmer: In Favor, Colleen Brunson: In Favor, Gary Pinkham: In Favor, Erik Stromberg: Opposed, and Drew Allen: In Favor. The motion carried.

**2. Consideration of a C.U.P. for Gary's Tractor and Excavation, LLC (Philip and Lisa Hiller) at 36 North 360 East for a home occupation consisting of a primarily residential construction company.** Phillip Hiller represented this item for himself:

Erik Stromberg asked if he is just looking to park his equipment.

Phillip Hiller stated he just has one pick-up truck, one trailer, and a bobcat.

Drew Allen asked how close he is to neighbor's property line or homes.

Phillip Hiller provided a picture showing where he parks it every day. The back of his trailer is 12 or 14 feet from the corner of his closest neighbor behind him. He has a gate on that side.

Drew Allen asked with the layout and size of the lot is it an option to park the trailer and bobcat behind the fence.

Phillip Hiller stated it would not fit. He would have to change everything and he does not own the home. He could actually pull it up where he parks his personal pick-up truck. He would have to go over the curb though.

Robbie Palmer declared that he has a close working relationship with Phillip Hiller and therefore will remain absent on the vote and silent in the conversation.

Drew Allen stated they received one letter in opposition and the idea of it being a residential and not commercial area, which is an understandable concern. If the truck and trailer were parked on the gravel area as indicated on the site plan instead of on the street the impact would be pretty negligible so long as it never gets to more equipment than what is currently there.

Phillip Hiller stated he does not do anything at home other than send invoices and proposals. He does not do any mechanic work on his equipment or maintenance on his truck. He doesn't leave early and tries to be considerate of his neighbors.

Erik Stromberg moved to approve the conditional use permit for Gary's Tractor and Excavation, LLC at 36 North 360 East for a home occupation consisting of a primarily residential construction company. Drew Allen seconded the motion with the condition that the equipment be parked on the lot and not on street. The voting was unanimous in the affirmative with Robbie Palmer not voting and the motion carried.

3. **Consideration of a concept plan for Gene Anderson, Rhett Marshall, and Todd Castagno on the Anderson Farms subdivision at 450 South Worthington Street for the creation of 109 lots in the R-1-21 zone.** Todd Castagno represented this item for himself, Gene Anderson, and Rhett Marshall and he stated to the Commission:

This project lies on Worthington Street between South Street and Nygreen. It is roughly 78 acres in the R-1-21 zone. They are proposing 109 lots. The majority of Craig's memo addresses offsite improvements which he is aware of. They are more preliminary plat issues and he thinks Craig is just giving them a heads up that those are required. On the Concept Plan requirements the vicinity map is not labeled 1"=2000' which is an easy fix. All their frontages are ok. There are a few lots that they need to verify the rear setback which might require them to tweak some lots.

These lots that are around the cul-de-sac that are more pie shaped. On phase 1 they will have two entrances, one off South Street and one off Worthington.

Jennifer Huffman stated the east entrance and the roundabout are not standard so they will need to be approved. Also, discuss who will maintain the roundabout, the island, retention basin and the park area. There is no public benefit to the City owning that so her recommendation would be that the HOA own and maintain it. The improvements on Worthington Street, Craig feels it should be at least 30 feet of new pavement as this is a collector street. A discussion needs to be had on whether the new pavement can be added to the old pavement or if it needs all new pavement. The condition of the existing pavement is not up to par. Also, the sewer system hydraulic model is showing at capacity. The council would like to set a work meeting an hour before the first council meeting in August to discuss how they are going to deal with that.

Robbie Palmer stated that the pavement is a concern of his as he travels that road quite a bit. Also, these entrances are a concern on the construction side of things. Turning off of South Street with the construction equipment is going to be tricky. There will have to be multiple access points through there.

Drew Allen stated the actual layout of the subdivision looks good with the roundabout and things like that as long as it is worked out that it is going to be maintained. But his concern is the way the subdivision sits and there is no way really to avoid it with its location. They are going to be adding significant traffic onto Nygreen, South, and Worthington. South Street is certainly not up to any increased residential traffic. Nygreen is pushing it. From Nygreen to Durfee is this a big enough impact that the entire street needs to be brought up to full residential condition from end to end to handle this subdivision? Just adding pavement on the one side will not cut it.

Todd Castagno stated a lot of the issues are preliminary plat as they plow forward. They haven't explored those very deeply without knowing what concept is going to be.

Gary Pinkham stated for ten years this corner of town has been looked at to be subdivided. The big issues are the infrastructure side of it. They are constantly impacting it and leaving the City of Grantsville to pay the bill. They have sewer upgrades and water upgrades. They have two track roads that we are talking about putting houses on. They have multiple subdivisions going on in this area. They need to figure out how they are going to infrastructure this thing and who is going to pay the bill. As they build more down there, Aqua addresses a lot of these infrastructure issues. There is some money available through impact fees but there are other impacts, such as the roads, that are not being covered. As far as the concept inside the property line, he does not see anything other than fine tuning some technical issues. They are to the point now where they as the City needs to schedule a work meeting to determine how they are going to do our half of the project.

Mayor Marshall stated a work meeting has already been scheduled. The waterline was put in to increase the pressure in the east end of town because our water pressure was on the low side for fire protection. They also knew that once they put that waterline in that it would open things up and it has. They were not even through with the waterline before they had people coming in wanting to know when the sewer line was coming. They used the impact fee money for the sewer upgrade from taking out the lift station from the trailer park to the sewer plant and putting in the bigger pipe. So the sewer definitely needs to be addressed and in future plans there was a larger sewer line that was going to be put in from Durfee Street going west down Mathews Lane and tying into that interceptor to feed to the sewer treatment plant.

Attorney Linares stated the only way the City was able to do the waterline was the developer paid all their impact fees upfront.

Mayor Marshall stated at one time they had a developer who wanted to bring the waterline down from the Depot fence line to Nygreen Street and make the tie in. That is a future tie in that will certainly have to happen when the property on the south side of Nygreen gets developed. The part of Worthington Street that is with blacktop does not have the best blacktop. It should probably be ripped out and if they are going to put a road in they should put it in correctly.

Drew Allen stated it makes it hard for one subdivision to put in three new roads but with the location he doesn't see how they can put the subdivision where it is without that requirement of upgrading all three roads.

Todd Castagno stated they are proposing four phases. They realize there are a lot of off-site considerations that will be spread out through the phases.

Robbie Palmer stated it takes awhile for some of the far phases to get going. Sometimes before Phase 3 is done, the group in charge may be dissolved and then who is left with it. The plot looks great but we need to make sure that we are not stuck with our hands out hoping someone can catch us.

Gary Pinkham asked if they have done any storm drain calculations with regards to the sizing on the retention basin. At a glance it does not look like a very large area for this big of piece so I'm wondering if the capacity is there to serve it.

Todd Castagno stated this concept plan was fully approved in 2007 or 2008. Phase 1 was fully engineered and approved. They just never recorded it. So the engineering firm has all of those calculations. The only thing that is not to code is the roundabout. But they wanted to put it in as it is a nice feature. They would have the HOA own and maintain it.

Robbie Palmer asked if roundabouts were fine for fire fighting.

Kent Liddiard stated roundabouts are fine.

Gary Pinkham stated that the roundabout makes it hard for construction vehicles. As far as the interior drafting though he has no concerns. He does have some serious concerns on how they will accommodate this in regards to the surrounding infrastructure.

Robbie Palmer stated he could not make the turn but as long as there are construction accesses. Once the houses are in there, it does limit commercial deliveries of materials with long trailers.

Todd Castagno stated the capital facilities plan, in the 6 to 10 year plan, there is a proposed 8" sewer line in Worthington. He has questioned if that is big enough from the beginning. When they look at these things they should look at sizing to make sure it is going to service the surrounding areas as well.

Jennifer Huffman stated in the memo it states they would like to see it increased to a 10" diameter. This will need to be discussed at the work meeting.

Drew Allen moved to approve the concept plan for Gene Anderson, Rhett Marshall, and Todd Castagno on the Anderson Farms subdivision at 450 South Worthington Street for the creation of 109 lots in the R-1-21 zone with the non standard entrance contingent upon addressing the large scale infrastructure issues including roads, sewer, etc. Robbie Palmer seconded the motion. The voting was unanimous in the affirmative and the motion carried.

- 4. Consideration of a final plat approval for Willow Springs Subdivision Phase 1 which contains twenty-five (25) lots for IRA Services et al and Todd Castagno.** Todd Castagno represented this item for himself and IRA Services and he stated to the Commission:

The preliminary plat was approved. They have the water assignment signed and he will get the original to Christine Webb tomorrow. They assigned 23.02 acre feet to Phase 1. All the corrections and revisions requested are complete and ready for consideration.

Erik Stromberg moved to approve the final plat for Willow Springs Subdivision Phase 1 which contains twenty-five (25) lots for IRA Services et al and Todd Castagno. Colleen Brunson seconded the motion. The voting was unanimous in the affirmative and the motion carried.

- 5. Consideration of a final plat approval for Ranch Road Subdivision Phase 3B which contains 22 lots for Subdivisions Inc. and Adam Nash.** Ron Paul represented this item for Subdivisions Inc. and Adam Nash and he stated to the Commission:



The construction drawings were approved as part of Phase 3A. The Phase 3B plat has been through the City review process and they have met all the requirements and addressed all items. They have also been through the review and approval with Tooele County's survey department of the record of survey and plat.

Robbie Palmer asked if it is going to mirror the other side that has already been finished with continuing the road and making it all tie in.

Ron Paul answered yes. It was master planned with previous phases before his ownership with Focus. It was a previous engineering firm call Ralph Goff and Associates that took it through a lot of the approvals of all the phases sometime around 2006 -2007.

Erik Stromberg moved to approve the final plat for Ranch Road Subdivision Phase 3B which contains twenty-two (22) lots for Subdivisions Inc. and Adam Nash. Drew Allen seconded the motion. The voting was unanimous in the affirmative and the motion carried.

- 6. Approval of minutes of the previous business meeting in June:** Erik Stromberg moved to approve the minutes of the June meeting. Gary Pinkham seconded the motion. Drew Allen and Robbie Palmer abstained from voting as they were absent from the June meeting. All voted in favor and the minutes stood approved.
- 7. Report from Council Liaison Member Neil Critchlow:** Councilman Critchlow stated he brought up the idea for the impact fees on the roads and the city attorney is looking into some things. He thanked the Commission for all they do.

A short discussion was held regarding roads and impact fees.

- 8. Adjourn:** Gary Pinkham moved to adjourn the meeting at 7:58 p.m. Robbie Palmer seconded the motion. All voted in favor and the meeting adjourned.

Jennifer Huffman  
Zoning Administration